



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,821	01/30/2004	Arshad A. Shah	2398-101	3127
7590		10/19/2005		
Clifford W. Vermette				
Vermette & Co.				
Box 40, Granville Square				
200 Granville Street, Suite 230				
Vancouver, V6C 1S4				
CANADA				
		EXAMINER		
		CASCA, FRED A		
		ART UNIT		
		2687		
		PAPER NUMBER		
		DATE MAILED: 10/19/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,821

Applicant(s)

SHAH ET AL.

Examiner

Fred A. Casca

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claims 3-7 are objected to because the letters referring to claim elements in independent claims is out of order.

Specifically, in claim 3, element “d” needs to be changed to “c”, “e” to “d”, and “f” to “e”, and in claim 5, element “g” needs to be changed to “c”, and “h” to “d”.

Claim Rejections –35 U.S.C. 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Wampler (U.S. Pub. No. 2004/0035036 A1).

Regarding claim 1, Wampler discloses a wireless billboard system (paragraphs 0003-0004, “billboard”, “wireless communication”, “radio communication”), comprising:
a) a wireless billboard operative to receive and display text and graphics and to transmit messages wirelessly (paragraphs 0003-0004, “billboard”, “billboard display”, “complex video graphics”, “command through . . . cellular phone, satellite relay or other wireless communication”);
b) a plurality of transmitter/receiver sites located so as to receive wireless signals transmitted from a transmission site and to transmit them to said wireless billboard and to receive wireless transmissions from each of said wireless billboards and to transmit them to a user's mobile phone (paragraphs 0003-0004, and 0027-0029 “cellular phones”, note that billboards are in a cellular phone environment, hence base station are the transmitters/receivers); and

Art Unit: 2687

c) a billboard management site couplable to each of the transmitter/receiver sites and operative to receive transmissions from said plurality of transmitter/receiver sites and to transmit wirelessly to said transmitter/receiver sites (paragraphs 0003-0004, and 0027-0029, "remote computer control with radio communication").

Regarding claim 2, Wampler discloses a system according to claim 1, wherein said wireless billboard has its own identity (paragraphs 0027-0028).

Regarding claim 3, Wampler discloses a wireless billboard system (paragraphs 0003-0004, "billboard", "wireless communication", "radio communication"), comprising:
a) a wireless billboard operative to display text and graphics transmitted to it wirelessly (paragraphs 0003-0004, and 0027-0029, "billboard", "billboard display", "complex video graphics", "command through . . . cellular phone, satellite relay or other wireless communication");

b) a carrier network located so as to receive and transport wireless signals and to transmit them to and receive them from a wireless billboard and to transmit them to and receive them from a transmission site and operative to receive transmissions from and transmit to a user (paragraphs 0003-0004, and 0027-0029, "cellular phones", note that billboards are in a cellular phone environment, hence base station are the carrier network);

c) a gateway operative to wirelessly transmit to and receive wireless transmissions from said carrier network (paragraphs 0003-0004, and 0027-0029, "cellular phones", "wireless communication", note gateways are inherently used in communicate via the carrier network);

d) a content server coupled to said gateway and operative to transmit data to and receive data from said gateway (paragraphs 0003-0004, and 0027-0029, note that a content server is inherently used in order to hold a database as contents containing the data being displayed); and

e) a billboard management computer, coupled to said content server and operative to control operation of said wireless billboard system (paragraphs 0003-0004, and 0027-0029, "remote computer control", "master computer", note that management computer (remote computer control) is inherently coupled to the content server (master computer) in order for communication to take place between them and contents be displayed).

Regarding claim 4, Wampler discloses the system according to claim 3, wherein said user is a mobile phone (paragraphs 0004).

Regarding claim 5, Wampler discloses a wireless billboard system (paragraphs 0003 0004, "billboard", "wireless communication", "radio communication"), comprising:

a) a plurality of wireless billboards, each operative to display text and graphics transmitted to them wirelessly (paragraphs 0003-0004, and 0027-0029, "billboard", "billboard display", "complex video graphics", "command through . . . cellular phone, satellite relay or other wireless communication");

b) a carrier network located so as to receive and transport wireless signals transmitted to it from a transmission site and to receive and transport wireless signals from said wireless billboard and to transmit the signals received from said transmission site to said wireless

Art Unit: 2687

billboard and operative to receive transmissions from and transmit to a user (paragraphs 0003-0004, and 0027-0029, "cellular phones", note that billboards are in a cellular phone environment, hence base station are the carrier network);

c) a gateway operative to wirelessly transmit signals to and receive signals from said carrier network (paragraphs 0003-0004, and 0027-0029, "cellular phones", "wireless communication", note that gateways are inherently used in order to communicate via the carrier network);

d) a content server coupled to said gateway and operative to transmit data to and receive data from said gateway (paragraphs 0003-0004, and 0027-0029, note that a content server is inherently used in order to hold a database as contents containing the data being displayed); and

e) billboard management computer, coupled to said content server and operative receive data from and to transmit data to said content server and to control operation of said wireless billboards (paragraphs 0003-0004, and 0027-0029, "remote computer control", "master computer", note that management computer (remote computer control) is inherently coupled to the content server (master computer) in order for communication to take place between them and contents be displayed).

Regarding claim 6, Wampler disclose a system according to claim 5, wherein each of said billboards has its own identity (paragraphs 0027-0028).

Regarding claim 7, Wampler discloses the system according to claim 5, wherein said user is a mobile phone (paragraph 0004).

Regarding claim 8, Wampler discloses a wireless billboard system (paragraphs 0003-0004, "billboard", "wireless communication", "radio communication"), comprising:

a) a plurality of wireless billboard operative to display text and graphics transmitted to them wirelessly (paragraphs 0003-0004, and 0027-0029, "billboard", "billboard display", "complex video graphics", "command through . . . cellular phone, satellite relay or other wireless communication"),

b) a carrier network located so as to receive and transport signals sent wirelessly and to transmit wireless signals to said wireless billboard and to a transmission site and operative to receive wireless transmissions from and transmit wireless signals to a user (paragraphs 0003-0004, and 0027-0029, "cellular phones", note that billboards are in a cellular phone environment, hence base station are the carrier network);

c) a gateway operative to wirelessly transmit data to and receive data from said carrier network (paragraphs 0003-0004, and 0027-0029, "cellular phones", "wireless communication", note that gateways are inherently used in order to communicate via the carrier network);

d) a web server coupled to one network of an Internet network and an intranet network and to said gateway and operative to transmit data to and receive data from said gateway and said one network (paragraphs 0003-0004, 0027-0028, "internet", "local area network"); and

Art Unit: 2687

e) a billboard management computer, coupled to said one network and operative to communicate with said web server to control operation of said wireless billboard system (paragraphs 0003-0004, and 0027-0029, "remote computer control", "master computer", note that management computer (remote computer control) is inherently coupled to the content server (master computer) in order for communication to take place between them and contents be displayed).

Regarding claim 10, Wampler discloses a system according to claim 8, wherein each of said billboards has its own distinct identity (paragraphs 0027-0028).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. Wampler (U.S. Pub.No. 2004/0035036 A1) in view of well known prior art (MPEP 2144.03).

Regarding claim 9, Wampler discloses a system according to claim 8.

Wampler does not specifically disclose web server also communicates with a member of the group consisting of a laptop computer and a commercial content provider.

The examiner takes official notice of the fact that it is well known in the art to communicate with a member of a communication group consisting of a laptop computer and a commercial content provider via a web server.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to provide the system of Wampler to communicate with a member of the group consisting of a laptop computer and a commercial content provider via a web server, for the purpose of expanding the usage boundary by allowing laptop users to access the system.

Art Unit: 2687

Conclusion


1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith U.S. Pub. No. 2004/0034561 A1 discloses interactive marketing system using billboards.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


10/17/05
LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER